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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR-09-00775 SBA
	)	
Plaintiff,	)	STIPULATED REQUEST TO CONTINUE
	)	HEARING DATE TO FEBRUARY 7, 2012
v.	)	AND TO EXCLUDE TIME UNDER THE
	)	SPEEDY TRIAL ACT
JUAN OCTAVIANO LOPEZ,	)	
aka Juan Octavio Lopez Ortiz,	)	Date: January 24, 2012
aka Juan Lopez Gomez,	)	Time: 10:00 a.m.
aka Manuel Vargas, and	)	Court: Hon. Sandra Brown
GLENDY GOMEZ,	)	Armstrong
aka Glendy Elizabeth Gomez,	)	
	)	
Defendants.	)	

The above-captioned matter is set on January 24, 2012 before this Court for status. The parties request that the Court continue the hearing to February 7, 2012 at 10:00 a.m. and that the Court exclude time under the Speedy Trial Act between January 19, 2012 and February 7, 2012.

The requested continuance will provide defendants' counsel with additional time to evaluate the evidence in this case and determine whether or not defendants should enter a change of plea or file motions and to prepare for trial in this matter. Specifically, new counsel was recently appointed for defendant Lopez after his prior counsel withdrew. New counsel needs the

STIP. REQ. TO CONTINUE HEARING TO FEBRUARY 7, 2012 AND TO EXCLUDE TIME  
No. CR-09-00775 SBA

1 continuance in order to review the discovery and the evidence, evaluate the plea agreement in  
2 light of the discovery and the evidence, and to meet and confer with his client to discuss the  
3 discovery and the evidence and to determine whether or not to prepare and file motions in this  
4 case and/or to proceed to trial. Additionally, new lead counsel for the United States will be  
5 taking over the prosecution of this matter. The requested continuance will allow new lead  
6 counsel for the United States time to evaluate the evidence in this case, as well as the favorable  
7 evidence provided by counsel for defendant Gomez. Although not relevant for purposes of the  
8 requested time exclusion, the parties hope to reach plea agreements before February 7, 2012.  
9 The extension is not sought for delay. The parties agree the ends of justice served by granting  
10 the continuance outweigh the best interests of the public and the defendants in a speedy trial.  
11 Therefore, the parties further stipulate and request that the Court exclude time between January  
12 19, 2012 and February 7, 2012 under the Speedy Trial Act for effective preparation of counsel,  
13 continuity of government counsel, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).  
14

15 DATED: January 18, 2012  
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17 \_\_\_\_\_/s/  
18 JAMES C. MANN  
19 Assistant United States Attorney  
Counsel for United States

\_\_\_\_\_/s/  
ERIK G. BABCOCK  
Counsel for Defendant Juan Octaviano  
Lopez

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21 \_\_\_\_\_/s/  
22 RANDALL G. KNOX  
Counsel for Glendy Gomez  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,	)	No. CR-09-00775 SBA
	)	
12 Plaintiff,	)	ORDER GRANTING STIPULATED
	)	REQUEST TO CONTINUE HEARING
13 v.	)	DATE TO FEBRUARY 7, 2012 AND TO
	)	EXCLUDE TIME UNDER THE SPEEDY
14 JUAN OCTAVIANO LOPEZ,	)	TRIAL ACT
aka Juan Octavio Lopez Ortiz,	)	
15 aka Juan Lopez Gomez,	)	Date: January 24, 2012
aka Manuel Vargas, and	)	Time: 10:00 a.m.
16 GLENDY GOMEZ,	)	Court: Hon. Sandra Brown
aka Glendy Elizabeth Gomez,	)	Armstrong
	)	
17	)	
	)	
18 Defendants.	)	
	)	

19  
20 The parties jointly requested that the hearing in this matter be continued from January 24,  
21 2012 to February 7, 2012 at 10:00 a.m., and that time be excluded under the Speedy Trial Act  
22 between January 19, 2012 and February 7, 2012.

23 The requested continuance will provide defendants' counsel with additional time to  
24 evaluate the evidence in this case and determine whether or not defendants should enter a change  
25 of plea or file motions and to prepare for trial in this matter. Specifically, new counsel was  
26 recently appointed for defendant Lopez after his prior counsel withdrew. New counsel needs the  
27 continuance in order to review the discovery and the evidence, evaluate the plea agreement in  
28 light of the discovery and the evidence, and to meet and confer with his client to discuss the

1 discovery and the evidence and to determine whether or not to prepare and file motions in this  
2 case and/or to proceed to trial. Additionally, new lead counsel for the United States will be  
3 taking over the prosecution of this matter. The requested continuance will allow new lead  
4 counsel for the United States time to evaluate the evidence in this case, as well as the favorable  
5 evidence provided by counsel for defendant Gomez. Although not relevant for purposes of the  
6 requested time exclusion, the parties hope to reach plea agreements before February 7, 2012.  
7 The parties agreed that the extension is not sought for delay. The parties further agreed the ends  
8 of justice served by granting the continuance outweigh the best interests of the public and the  
9 defendant in a speedy trial.

10 For these stated reasons, the Court finds that the ends of justice served by granting the  
11 continuance outweigh the best interests of the public and the defendant in a speedy trial. Good  
12 cause appearing therefor, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv),

13 **IT IS HEREBY ORDERED** that the hearing in this matter is continued from January  
14 24, 2012 to February 7, 2012 at 10:00 a.m. before this Court, and that time between January 19,  
15 2012 and February 7, 2012 is excluded under the Speedy Trial Act to allow for the effective  
16 preparation of defense counsel, taking into account the exercise of due diligence.

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18 DATED: 1/23/12

  
HON. SAUNDRA BROWN ARMSTRONG  
United States District Court Judge